

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 BASKIM HOLDINGS, INC.,

5 Plaintiff,

6 v.

7 TWO M, INC. and OMAR ALDABBAGH,

8 Defendants.
9

Case No. 2:16-cv-01898-APG-GWF

**ORDER DENYING MOTION IN
LIMINE REGARDING PLAINTIFF'S
EXPERT EINHORN**

(ECF Nos. 156, 158)

10 I deny the defendants' motion in limine to exclude the testimony of the plaintiff's expert
11 Michael Einhorn, Ph.D. ECF Nos. 156, 158. Contrary to the defendants' contention, Dr.
12 Einhorn's anticipated testimony presents more than simple addition. He determined the
13 methodology to calculate the plaintiff's damages, he selected the data to include in the analysis,
14 and he performed the calculations. ECF No. 158 at 7:23-24. Those are tasks beyond the normal
15 ken of a layperson and his testimony will help the jury understand and determine facts in issue.
16 Fed. R. Evid. 702(a). Moreover, his testimony is not excludable because the plaintiff's counsel
17 assisted him in gathering the data. As the defendants point out in their motion, Dr. Einhorn "said
18 what components should be in" the spreadsheet of data; he "gave the directive." ECF No. 158 at
19 7:23-24. The plaintiff's counsel then gathered that data from the information that had been
20 produced, and provided them to Dr. Einhorn. That assistance from counsel does not disqualify
21 Dr. Einhorn from testifying.

22 IT IS THEREFORE ORDERED that the defendants' motion in limine (ECF Nos. 156,
23 158) is denied.

24 DATED this 8th day of June, 2018.

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26 ANDREW P. GORDON
27 UNITED STATES DISTRICT JUDGE
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